THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.9375 of 2002

Dated:04.07.2007

Between

1.The Chodavaram PACS, Chodavaram
Bhadrachalam Mandal, Khammam District
Rep., by its Chairman/Person-in-charge
Committee Y.Narasimha rao
and others.

.....Petitioners

and

1.The Government of AP
rep., by its Secretary, Food and
Agrl and Coop Department
Secretariat, Hyderabad and
Others.

…Respondents

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ORDER:

This writ petition is filed by 25 Primary Agricultural Co-operatives Credit Societies of Khammam District complaining that the 3rd respondent had issued proceedings dated 27.2.2002 in RC No.233/2002-C asking the societies to make amendments in their bye laws and to submit proposals by fixing staffing pattern as per the directions indicated therein.

According to the petitioners, a reading of the impugned order clearly would indicate that it is in complete derogation of the democratic powers vested with the societies under the Andhra Pradesh Cooperative Societies Act (for short 'the Act'). Further, as per the present amended Rule 28 of the Rules, the societies

have to prepare service rules and submit the same for approval of the Registrar. The said rule specifically contemplates discretion in the hands of the society and it does not contemplate that the bye-laws have to be amended to suit the directions issued by the 3rd respondent.

The sum and substance of the complaint of the petitioners is that in view of the circular issued by the 3rd respondent, they are made to follow the same circular without any discretion being left to them for the purpose of staffing pattern of each society as per its financial position.

Counter is filed.

There is no necessity to go into all the details. While admitting the writ petition on 15.5.2002, this Court granted interim suspension of the impugned proceedings.

Now, it is more than 5 years since the interim order was passed.

Under those circumstances, the writ

petition is disposed of leaving liberty to the respondents to take up the case of each society separately by issuing individual notices for the purpose of fixing staffing pattern as per the rules in vogue as of now if there is any such necessity as of now. Till such time, the position as to the staffing pattern shall not be disturbed.

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04-07-2007

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